

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NANCY E. LEWEN	:	
	:	Civil Action No. 1:17-cv-148-SPB
Plaintiff,	:	
	:	
v.	:	
PENNSYLVANIA SOLDIERS' AND	:	Magistrate Judge Susan Paradise
SAILORS' HOME (PSSH), BARBARA	:	Baxter
RAYMOND, PENNSYLVANIA	:	
DEPARTMENT OF MILITARY AND	:	
VETERANS AFFAIRS, BRIGADIER	:	
GENERAL ANTHONY CARRELLI,	:	
PENNSYLVANIA STATE CIVIL SERVICE	:	
COMMISSION, CHAIRMAN BRYAN R.	:	
LENTZ, COMMISSIONER ODELFA	:	
SMITH PRESTON AND COMMISSIONER	:	
GREGORY M. LANE,	:	
	:	
Defendant.	:	

**DEFENDANTS MOTION FOR EXTENSION OF TIME TO RESPOND TO  
SECOND AMENDED COMPLAINT (ECF 28) AND FOR CLARIFICATION, AS  
PLAINTIFF HAS NOT SERVED NUMEROUS DEFENDANTS**

AND NOW, comes the Defendants, by their counsel, Deputy Attorney General Michael E. Kennedy and Kenneth Joel, Chief Deputy Attorney General and file the following Motion for Extension of Time to Respond to Second Amended Complaint, AND for clarification, as Plaintiff has not served Numerous Defendants.

1. After obtaining leave to do so, On October 6, 2017 Plaintiff filed a Second Amended Complaint.(ECF 31)
2. The Second Amended Complaint was originally an exhibit to Plaintiffs Motion for Leave. The Court directed the Clerk to detach the Second Amended Complaint and re-docket it, which was done on October 11, 2017

3. By Order of October 6, 2017, Defendants Response to the Second Amended Complaint is due on or before October 26, 2017.
4. The undersigned is involved in preparation for a 4 to 5 day jury trial in Butler County, with Jury selection scheduled for October 16, and the first day of trial as October 23. Given the time issues, Defense Counsel requested that Plaintiff consent to an extension for the response due date. Plaintiff has NOT consented to an extension.
5. Additionally, Plaintiff has not served any of the Defendants brought into the suit after the filing of her original complaint. She has not, however, exceeded the time for service allowed by rule 4 (m) of the FRCP
6. The undersigned is unsure as to whether he would be assigned to represent the as of yet unserved Defendants, including all Defendants brought into the case after the filing of the original complaint. Those Defendants are “Unknown Board Members”, Kathy Manderino, Pennsylvania Bureau of Professional and Occupational Affairs, (BPOA), Suzanne Hetricks, Linda Kerns, Sherri Luchs and the Pennsylvania State Board of Nursing (BON)
7. Defendants believe and assert that Plaintiff should serve all of the unserved Defendants, thus allowing for all Defendants to be served, have counsel enter an appearance, and respond, conceivably by the undersigned, with a singular Motion.

WHEREFORE, Defendants request that the court grant their extension and reset the due date for the properly served defendants to response to Plaintiffs Second Amended Complaint to on or before December 15, 2017. Further, Plaintiff be ordered to prepare waiver of service of

summons forms for the unserved Defendants, and forward the same to unserved Defendants within 10 days.

Respectfully submitted,

JOSH SHAPIRA  
Attorney General

By: /s/MICHAEL E. KENNEDY  
MICHAEL E. KENNEDY  
Deputy Attorney General  
Attorney I.D. 52780

Office of Attorney General  
564 Forbes Avenue, Manor Complex  
Pittsburgh, PA 15219

KENNETH L. JOEL  
Chief Deputy Attorney General  
Chief, Litigation Section

Date: October 12, 2017

*Counsel for Defendants*

Respectfully submitted,

Attorneys for Defendants,

/s/Michael E Kennedy  
Michael E Kennedy  
Deputy Attorney General  
PA ID 52780  
OFFICE OF ATTORNEY GENERAL  
6<sup>th</sup> Floor, Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

#### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this response to motion was served upon the Plaintiff on October 12, 2017, by first class US mail to her record address:

3342 west 12<sup>th</sup> street, Erie PA 16505.

Attorneys for Defendants,

/s/*Michael E Kennedy*  
Michael E Kennedy  
Deputy Attorney General  
PA ID 52780